

Message Text

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ACTION SNM-02

INFO OCT-01 EUR-12 IO-13 ISO-00 SS-15 L-03 H-02 NSC-05
AGRE-00 HEW-06 AID-05 CIAE-00 INR-07 NSAE-00
DEAE-00 JUSE-00 TRSE-00 USIA-15 OES-06 OMB-01
DODE-00 PA-02 PRS-01 /096 W
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P 251455Z MAR 77
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC PRIORITY 5520
INFO AMCONSUL LENINGRAD
USMISSION GENEVA PRIORITY
AMEMBASSY BONN

UNCLAS MOSCOW 4014

E.O. 11652: N/A
TAGS: PFOR, SNAR, UR
SUBJECT: DEPARTMENT REQUEST FOR INFORMATION ON LAWS ON MARIHUANA
POSSESSION: THE USSR

REF: STATE 57902

1. SOVIET LAWS GOVERNING MARIHUANA AND OTHER DRUGS ARE PROMULGATED BY THE REPUBLICS; WHILE THE WORDING OF SUCH LAWS IN THE VARIOUS REPUBLICS DO NOT DIFFER SIGNIFICANTLY, THERE MAY BE CONSIDERABLE VARIANCES IN APPLICATION (SEE PARA 5). THE FOLLOWING CONCERNS THE LAWS OF THE RUSSIAN REPUBLIC (RSFSR), WHICH GROUP TOGETHER "NARCOTICS" AND "POWERFUL AND POISONOUS SUBSTANCES," IN WHICH CATEGORY THE SOVIETS INCLUDE MARIHUANA.

2. TRAFFICKING. (A) SMUGGLING. ARTICLE 78 OF THE RSFSR CODE OF CRIMINAL JUSTICE DEFINES A PUNISHMENT OF IMPRISONMENT OF THREE TO TEN YEARS AND CONFISCATION OF PROPERTY, WITH POSSIBLE EXILE FOR TWO TO FIVE YEARS FOR SMUGGLING OVER A BORDER.

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(B) SALE. ARTICLE 224 OF THE CODE, "MANUFACTURE OR SALE OF NARCOTICS AND OTHER POWERFUL AND POISONOUS SUBSTANCES," ALLOWS FOR PUNISHMENT OF ONE TO TEN YEARS IF THE MATERIAL IS SOLD OR KEPT WITH INTENTION OF SALE..

3. SIMPLE POSSESSION. ARTICLE 224 FURTHER SPECIFIES IMPRISONMENT OR CORRECTIVE LABOR OF UP TO ONE YEAR, WITH A FINE UP TO 100 RUBLES,

FOR VIOLATION OF THE "ESTABLISHED RULES" OF PRODUCING, KEEPING, DELIVERING, STOCKING, TRANSPORTING, OR SENDING OF NARCOTICS AND OTHER POWERFUL AND POISONOUS SUBSTANCES.

4. THERAPY FOR ADDICTS. ARTICLE 62 OF THE CODE SPECIFIES THAT ADDICTS OR ALCOHOLICS CONVICTED OF A CRIME MAY BE REQUIRED TO UNDERGO SPECIAL PROGRAMS OF THERAPY, INCLUDING POSSIBLE COMPULSARY MEDICAL INSTITUTIONALIZATION, EVEN WHEN THE PUNISHMENT ITSELF FOR THE CRIME DOES NOT REQUIRE IMPRISONMENT.

5. ENFORCEMENT. (A) SMUGGLING. WESTERNERS CAUGHT TRYING TO TRANSIT THE SOVIET UNION WITH MARIHUANA OR NARCOTICS HAVE RECEIVED APPROXIMATELY EQUIVALENT, FAIRLY STIFF SENTENCES IN RECENT YEARS. MANY OF THE NON-AMERICANS TRANSPORTING EITHER MARIHUANA OR HASHISH, WERE RELEASED AFTER SHORT PERIODS ON "HUMANITARIAN GROUNDS." AS DEPARTMENT IS AWARE, THREE AMERICANS ARRESTED IN JUNE 1976 WITH 28KG. OF HEROIN ARE STILL INCARCERATED. SINCE THE AMERICANS HAVE NOT YET BEEN IN PRISON EVEN A YEAR, IT IS TOO EARLY TO DETERMINE WHETHER THE HEROIN-SMUGGLERS WILL BE TREATED DIFFERENTLY THAN THE CANNABIS-SMUGGLERS BY THE SOVIETS.

(B) PERSONAL USE. THERE HAS BEEN A SPRINKLING OF CRITICISM IN THE SOVIET JUDICIAL PRESS, PRINCIPALLY DIRECTED AT THE SOUTHERN REPUBLICS, FOR "UNJUSTIFIED" LENIENCY IN DRUG CASES. WE HAVE NO FIRM INFORMATION THEREON, BUT THE APPARENT SOVIET EFFORT TO DISSUADE TRAFFICKERS FROM USING MOSCOW AS A TRANSIT POINT FOR DRUGS MAY BE A REFLECTION OF INCREASED SOVIET CONCERN OVER DOMESTIC DRUG USE, INSPIRING CONCOMITANT EFFORT TO STIFFEN UNCLASSIFIED

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THE ENFORCEMENT.

6. COPIES OF ARTICLES 62, 78, AND 224 OF THE RSFSR CODE OF CRIMINAL JUSTICE HAVE BEEN POUCHED TO S/NM. MATLOCK

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Message Attributes

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Sent Date: 25-Mar-1977 12:00:00 am
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Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
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Disposition Event:
Disposition History: n/a
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